United Nations S/AC.49/2009/43

Security Council

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9 October 2009

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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 5 October 2009 from the Permanent Mission of Portugal to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Portugal to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit a report on the concrete measures taken by the Government of Portugal pursuant to paragraph 22 of Security Council resolution 1874 (2009) of 12 June 2009 (see annex).

09-55488 (E) 141009

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Annex to the note verbale dated 5 October 2009 from the Permanent Mission of Portugal to the United Nations addressed to the Chairman of the Committee

Report submitted by Portugal pursuant to paragraph 22 of Security Council resolution 1874 (2009) of 12 June 2009 on the implementation by Portugal of Security Council resolutions 1718 (2006) and 1874 (2009) concerning the Democratic People's Republic of Korea

Portugal and the other member States of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by Security Council resolutions 1718 (2006) and 1874 (2009) by taking the following common measures:

- Council Common Position 2006/795/CFSP of 20 November 2006, as amended by Council Common Position 2009/573/CFSP of 27 July 2009.

  The Common Position sets out the European Union's commitment to implementation of all the measures contained in Security Council resolutions 1718 (2006) and 1874 (2009), and provides the basis for specific European Union implementing measures within the scope of the resolutions, notably:

  - A complete arms embargo
  - An export ban on certain other items, in addition to those determined by the Sanctions Committee, which could contribute to nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea
  - Autonomous listing, to be decided by the Council of the European Union, of persons and entities subject to a visa ban and asset freeze, either by reason of their promotion or support of programmes of the Democratic People's Republic of Korea as mentioned above or because they provide financial services or other resources that could contribute to those programmes
  - Enhanced monitoring over the activities of financial institutions within the jurisdiction of European Union member States with certain banks and financial entities linked to the Democratic People's Republic of Korea
  - Additional information requirements for aircraft and vessels transporting cargo to and from the Democratic People's Republic of Korea.

  The European Union will adopt a Council Decision implementing Common Position 2006/795/CFSP and establishing, for the purpose of the visa ban and the asset freeze, the list of persons and entities in accordance with determinations made by the Sanctions Committee on 24 April and 16 July 2009.

- Council Regulation (EC) No. 329/2007 of 27 March 2007, as amended by Commission Regulation (EC) No. 117/2008 of 28 January 2008 and Commission Regulation (EC) No. 389/2009 of 12 May 2009.

The Council Regulation implements in the European Community the ban on exports of goods and technology which could contribute to nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea and on the provision of related services, and the ban on procurement of goods and technology from the Democratic People's Republic of Korea, as well as the freezing of funds and economic resources of persons, entities and bodies engaged in or providing support for the said programmes of the Democratic People's Republic of Korea as designated by the Sanctions Committee and the prohibition of making funds or economic resources available to such persons or entities, with certain exemptions as provided for in Security Council resolution 1718 (2006).

Commission Regulation No. 117/2008 amends the Council Regulation by including the list of goods and technology subject to the export and import ban (other than luxury goods) as set out in annex I to the Council Regulation in accordance with determinations made by the Sanctions Committee.

Commission Regulation No. 389/2009 amends the Council Regulation by including the entities designated by the Sanctions Committee on 24 April 2009 in the list of persons, entities and bodies subject to the asset freeze as set out in annex IV to the Council Regulation.

The Commission will adopt a Commission Regulation amending the Council Regulation by including goods in annex I and persons and entities in annex IV to the Council Regulation in accordance with determinations made by the Sanctions Committee on 16 July 2009.

- Council Regulation (EC) No. 539/2001 of 15 March 2001 (and its subsequent amendments).

  This Regulation requires nationals of the Democratic People's Republic of Korea to be in possession of a visa when entering the European Union.

- In order to implement effectively the provisions of paragraph 8 of resolution 1718 (2006) as well as paragraphs 9 and 10 and the financial measures set out in paragraphs 18, 19 and 20 of resolution 1874 (2009), Portugal has taken concrete measures prohibiting the sale, supply, transfer or export of arms and related material to the Democratic People's Republic of Korea. The Portuguese legislation in force (Decree-Law No. 371/80 of 11 September 1980; Decree-Law No. 1/86 of 2 January 1986; Decree-Law No. 436/91 of 8 November 1991; Regulatory Ministerial Decree No. 439/94 of 29 June 1994; Decree-Law No. 297/98 of 17 December 1998; Law No. 153/99 of 14 September 1999; and Law No. 5/2006 of 23 February 2006) does not allow transactions of that type with the Democratic People's Republic of Korea.

- Security Council resolution 1874 (2009) was circulated, along with its respective implementation instructions to all Government departments that are instrumental to its comprehensive national application, as well as to other national entities considered relevant, such as the banking system, the national civil aviation authority, national airlines, the sea traffic authority and the association of commercial ship-owners.

- The above-mentioned Council Regulations are binding in their entirety and directly applicable in all member States of the European Union. Regulation (EC) No. 329/2007 requires member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Portugal are provided for in relevant national legislation (Law No. 11/2002 of 16 February 2002).

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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 22 October 2009 from the Permanent Mission of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Macedonia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to inform that the Government of the Republic of Macedonia has adopted a decision to implement restrictive measures towards the Democratic People's Republic of Korea, as stipulated in Security Council resolution 1874 (2009).

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Security Council

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26 October 2009

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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 22 October 2009 from the Permanent Mission of Cyprus to the United Nations addressed to the Committee

The Permanent Mission of the Republic of Cyprus to the United Nations presents its compliments to the Security Council Committee of the United Nations established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea and, further to the letter by the Chairman of the Committee dated 29 June 2009, addressed to the Permanent Representative of Cyprus to the United Nations, has the honour to transmit herewith a report of the Republic of Cyprus regarding the implementation of Security Council resolutions 1718 (2006) and 1874 (2009) concerning the Democratic People's Republic of Korea.

09-59759 (E) 061109

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Annex to the note verbale dated 22 October 2009 from the Permanent Mission of Cyprus to the United Nations addressed to the Committee

Report of the Republic of Cyprus regarding the implementation of Security Council resolution 1874 (2009) concerning the Democratic People's Republic of Korea

Pursuant to paragraph 22 of Security Council resolution 1874 (2009), the Republic of Cyprus has the honour to transmit to the Committee the following information on the implementation of the measures imposed by the said resolution concerning the Democratic People's Republic of Korea.

The United Nations Security Council resolution 1874 (2009) has been adopted by the Council of Ministers of the Republic of Cyprus on 29 July 2009 and was communicated to all Ministries and competent authorities of the Republic for immediate enforcement of the restrictive measures described therein.

Furthermore, the Council of Ministers in exercising its powers under section 3 of the Cyprus Ships (Prohibition of Transportation) Law 1966-1971, issued on 23 February 2007 the Cyprus Ships (Prohibition of Transportation of Arms, Related Materiel and Luxury Goods to the Democratic People's Republic of Korea) Order of 2007 (P.I 92/2007), implementing Security Council resolution 1718 (2006). The Department of Merchant Shipping has now been preparing an amending Order in order to implement Security Council resolution 1874 (2009) amending in effect Order P.I 92/2007, which will be issued by the Council of Ministers and published in the Official Gazette of the Republic of Cyprus within the next few weeks.

In addition to the national measures outlined above, Cyprus, as a State member of the European Union, has adopted all relevant European Union Council Common Positions and European Union Regulations as follows:

- Common Position 2006/795 CFSP of 20 November 2006 as amended by

  Common Position 2009/573/CFSP of 27 July 2009 [Additional embargo on certain goods and technology which could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes, ban on new commitments for grants, financial assistance and concessional loans to the Democratic People's Republic of Korea, ban on public provided financial support for trade where such support could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes, amendment of the provision concerning restrictions on admission, amendment of the provision concerning freezing of funds and economic resources, enhanced monitoring of the activities of EU financial institutions with banks domiciled in the Democratic People's Republic of Korea and their subsidiaries, branches and other financial entities outside the Democratic People's Republic of Korea, inspection of the prior information requirement on cargoes to and from the Democratic People's Republic of Korea, ban on provision of bunkering and ship supply services, measures to prevent certain specialized teaching or training

and

Council Decision 2009/599/CFSP [list of targeted natural persons (restrictions on admissions) and list of targeted natural and legal persons, entities and bodies (freezing of funds and economic resources)]

– Council Regulation (EC) No. 329/2007 amended by

1) Commission Regulation (EC) No. 117/2008 [list of goods and technology subject to ban on exports and imports (other than luxury goods), information on competent authorities]

2) Commission Regulation (EC) No. 389/2009 [list of targeted persons, entities and bodies (freezing of funds and economic resources)]

3) Commission Regulation (EC) No. 689/2009 [amendment of the list of goods and technology subject to ban on exports and imports (other than luxury goods), amendment of the list of targeted persons, entities and bodies (freezing of funds and economic resources)]

The above-mentioned regulations are directly applicable legislation in all States members of the European Union.

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16 November 2009

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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 13 November 2009 from the Permanent Mission of Ireland to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Ireland to the United Nations presents its compliments to the Chairman of the Committee and, in accordance with paragraph 22 of Security Council resolution 1874 (2009) and in response to the note verbale dated 29 June 2009, has the honour to enclose herewith Ireland's Report on Domestic Implementation of United Nations Security Council Resolutions 1718 (2006) and 1874 (2009) (see annex).

09-60992 (E) 201109

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Annex to the note verbale dated 13 November 2009 from the Permanent Mission of Ireland to the United Nations addressed to the Chairman of the Committee

Report on Domestic Implementation of United Nations Security Council resolutions 1718 and 1874

Ireland and the other Member States of the European Union (EU) have jointly implemented the restrictive measures against the Democratic People's Republic of Korea (DPRK) imposed by Security Council resolutions 1718 (2006) and 1874 (2009) by taking the following common measures:[1]

- Council Common Position 2006/795/CFSP of 20 November 2006,[2] as amended by Council Common Position 2009/573/CFSP of 27 July 2009.[3]

  The Common Position sets out the EU's commitment to implementation of all the measures contained in United Nations Security Council resolutions 1718 (2006) and 1874 (2009), and provides the basis for EU-specific implementing measures within the scope of the resolutions, notably:

  – complete arms embargo;

  – export ban on certain other items, in addition to those determined by the Sanctions Committee, which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes;

  – listing, to be decided by the Council of the EU, of persons and entities subject to visa ban and asset freeze, either by reason of their promotion or support of DPRK's programmes as mentioned above or because they provide financial services or other resources that could contribute to those programmes;

  – enhanced monitoring over the activities of financial institutions within the jurisdiction of EU Member States with certain banks and financial entities linked to the DPRK;

  – additional information requirements for aircraft and vessels transporting cargo to and from the DPRK.

  On 4 August 2009, the EU adopted Council Decision 2009/599/CFSP implementing Common Position 2006/795/CFSP and establishing, for the purpose of the visa ban and the asset freeze, the list of persons and entities in accordance with determinations made by the Sanctions Committee on 24 April and 16 July 2009.

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[1] All common measures are published in the Official Journal of the European Union, which can be consulted through the following web pages: http://eur-lex.europa.eu/JOIndex.do?ilunlang=en (published issues) and http://eur-lex.europa.eu/RECH_menu.do?ihmlang=en (search form).

[2] Official Journal of the European Union L 322, 22.11.2006, p. 32.

[3] Official Journal of the European Union L 197, 29.7.2009, p. 111.

- Council Regulation (EC) No. 329/2007 of 27 March 2007,[4] as amended by Commission Regulation (EC) No. 117/2008 of 28 January 2008,[5] Commission Regulation (EC) No. 389/2009 of 12 May 2009[6] and Commission Regulation (EC) No. 689/2009 of 29 July 2009.[7]

  The Council Regulation implements in the European Community the ban on exports of goods and technology which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes and on the provision of related services, the ban on procurement of goods and technology from the DPRK, the ban on export of luxury goods to the DPRK, as well as the freezing of funds and economic resources of persons, entities and bodies engaged in or providing support for the said DPRK programmes as designated by the Sanctions Committee and the prohibition of making funds or economic resources available to such persons or entities, with certain exemptions as provided for in United Nations Security Council resolution 1718 (2006).

  The Commission Regulation No. 117/2008 amends the Council Regulation by including the list of goods and technology subject to the export and import ban (other than luxury goods) as set out in Annex I of the Council Regulation in accordance with determinations made by the Sanctions Committee.

  The Commission Regulation No. 389/2009 amends the Council Regulation by including the entities designated by the Sanctions Committee on 24 April 2009 in the list of persons, entities and bodies subject to the asset freeze as set out in Annex IV to the Council Regulation.

  The Commission Regulation No. 689/2009 amends the Council Regulation by including goods in Annex I and persons and entities in Annex IV to the Council Regulation in accordance with determinations made by the Sanctions Committee on 16 July 2009.

The above-mentioned Council Regulations are binding in their entirety and directly applicable in all Member States of the European Union. Regulation (EC) No. 329/2007 requires Member States to determine the penalties applicable to infringements of their provisions. In Ireland the European Communities Act (1972) and the Financial Transfers Act (1992) enable domestic regulations giving full effect to the financial aspects of the above-mentioned Council Regulations; i.e. restrictions on the provision of financial assistance and asset-freezing. The Financial Transfers Act 1992 provides for penalties up to €10,000,000 or twice the amount of the capital in respect of which the offence was committed, whichever is the greater or, to a term of imprisonment not exceeding ten years, or to both. The European Communities Act 1972 provides for penalties up to €500,000 and to a term of imprisonment not greater than 3 years, in which case the penalties are stipulated in the domestic regulations.

[4] Official Journal of the European Union L 88, 29.3.2007, p. 1.
[5] Official Journal of the European Union L 35, 9.2.2008, p. 57.
[6] Official Journal of the European Union L 118, 13.5.2009, p. 78.
[7] Official Journal of the European Union L 199, 31.7.2009, p. 3.

The Control of Exports Act 2008 governs the export of military and dual-use goods from Ireland. Together with Common Position 2006/795/CFSP this provides the basis for enforcement of the arms embargo against the DPRK.